

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

CAROL YVONNE CUNNINGHAM,

*Plaintiff,*

vs.

KIYANA CLARK,

*Defendant.*

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 1:24-cv-581

Judge Jeffery P. Hopkins

---

---

**ORDER ADOPTING REPORT AND RECOMMENDATION**

---

---

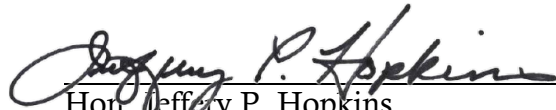
This matter is before the Court on the Report and Recommendation issued by Chief Magistrate Judge Stephanie K. Bowman on October 29, 2024. Doc. 4. Having performed an initial screen of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommends that the Court dismiss this case in its entirety for failure to state a claim on which relief may be granted. The Court has reviewed Plaintiff's Complaint and the Report and Recommendation. No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. *See* Fed. R. Civ. P. 72 (advisory committee notes from 1983 amendment) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at \*1 (S.D. Ohio Oct. 28, 2022). Accordingly, it is **ORDERED** that this case be **DISMISSED** with prejudice

for failure to state a claim. Plaintiff is forewarned that filing any future complaint based on the same subject matter could result in a finding that she is a vexatious litigant who should be made subject to prefiling restrictions. For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*.

**IT IS SO ORDERED.**

Dated: August 6, 2025

  
Hon. Jeffrey P. Hopkins  
United States District Judge